

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VIRGINIA ELIZONDO,

Plaintiff,

VS.

Civil Action No. 4:21-cv-01997

SPRING BRANCH INDEPENDENT
SCHOOL DISTRICT, CHRIS GONZALES,
PAM GOODSON, KAREN PECK, JOSEF
D. KLAM, MINDA CAESAR, CHRIS
EARNEST, J. CARTER BREED, in their
Official capacity as members of the Board
of Trustees of Spring Branch ISD

Defendants.

AMICUS CURIAE BRIEF SUBMITTED ON BEHALF OF STATE SENATOR PAUL BETTENCOURT AND STATE BOARD OF EDUCATION MEMBER WILL HICKMAN

State Senator Paul Bettencourt and State Board of Education Member Will Hickman oppose the Plaintiff's request for Preliminary Injunction [Dkt. 27] to postpone the May 7, 2022 Spring Branch Independent School District ("SBISD") election and Defendant SBISD's lack of opposition to postpone the May 7, 2022 election in Defendant's Response to Plaintiff's Application for Preliminary Injunction [Dkt.32]. Senator Paul Bettencourt and Will Hickman urge the Court to not delay the SBISD election scheduled for May 7, 2022.

Paul Bettencourt is a Texas State Senator, representing District 7 which includes a large portion of SBISD. He, as well as his wife and both of their children, are graduates of the SBISD. Senator Bettencourt is a sitting member of the Senate Education Committee and is very familiar with education issues in Texas. Will Hickman is the current member of the Texas State Board of Education representing District 6 which includes all of SBISD. Member Hickman's three children are enrolled in SBISD schools. Member Hickman is very familiar with SBISD and education issues in general for the state of Texas and his district.

The May 7, 2022 election has already begun and deadline for filing to be a candidate has already passed. Yet, plaintiff Elizondo has filed a motion to delay the SBISD May 7, 2022 and the Defendant SBISD has responded that they do not oppose a delay of the May 7, 2022 election. State Senator Bettencourt and Will Hickman do not support Plaintiff's motion to delay the election or Defendant SBISD's failure to oppose the delay of the May 7, 2022 election.

Amicus Curiae, Jenny Morace, has filed a Response to Plaintiff's Motion for Preliminary Injunction and Reply to Defendant SBISD's Response to Plaintiff's Motion for Preliminary Injunction on February 16, 2022. Senator Bettencourt and Will Hickman are in agreement with and in support of her argument that the Plaintiff's request to postpone the election should be rejected.

The Plaintiff was well aware of the scheduled election for May 7, 2022 and did not request postponement of the election until after candidates had already filed for the election, after the deadline to file. The election process has already begun. To delay the election does a huge disservice to the residents of SBISD by denying them the right to choose their representatives in a timely manner. It is also a disservice to the candidates who have already begun their campaigns, invested time, money and effort in preparation for the May 7th election date. The candidates have already attended events, reached out to voters and are very engaged in their campaigns.

Additionally, delaying the election creates confusion for voters and candidates and generates a lack of confidence in the election process.

The SBISD Board did not discuss the delay of the election publicly at its board meeting. The public was not given the opportunity to discuss the matter of delaying the election at any SBISD Board meeting. An overwhelming number of residents have expressed outside of the

SBISD Board meetings that they are not in favor of delaying the May 7, 2022 election and would have stated their opinion had they been given the opportunity.

State Senator Bettencourt and Will Hickman would like to second the significant point made in Ms. Morace's response that the election has already begun and "postponement of an election that has already begun is an impermissible intrusion into the political process. " *Amicus Curiae Jenny Morace's Response to Plaintiff's Motion for Preliminary Injunction*. p. 13.

State Senator Bettencourt and State Board of Education member Hickman respectfully request the Court to consider the arguments presented herein and by *Amicus Curiae* Jenny Morace and deny Plaintiff's request to delay the May 7, 2022 election.

Dated: February 28, 2022.

Respectfully submitted,

By: /s/Gary M. Polland
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**ATTORNEY FOR PAUL BETTENCOURT
AND WILL HICKMAN**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Amicus Curiae* Brief Submitted on Behalf of State Senator Paul Bettencourt and State Board of Education Member Will Hickman was delivered to all counsel of record, via CM/ECF on or before February 28, 2022, in accordance with the Federal Rules of Civil Procedure.

By: /s/Gary M. Polland
Gary M. Polland